

DOCKET NO. 96-212-W - ORDER NO. 96-827

IN RE: Application of Upstate Heater Utilities,) ORDER
Inc. for Approval of a Transfer of its) DENYING
Water Utility to South Carolina Water) RECONSIDERATION
and Sewer, L.L.C.) AND GRANTING
) CLARIFICATION

With regard to the request of Chester G. Kapp for reconsideration, we find that we must deny the reconsideration request. Mr. Kapp states no new grounds for his original proposition.

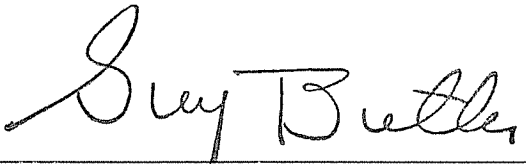
With regard to the Petition or the request for clarification by the Consumer Advocate, the Consumer Advocate notes that in our Order No. 96-754, the Commission held that "... the only matters before the Commission are the fairness of the contract at issue and the fitness of SCWS to be awarded a Certificate of Public Convenience and Necessity to operate the system...." Order at 2. The Consumer Advocate requests a clarification of this language.

According to the Consumer Advocate, the Commission Regulation applicable to this transfer request is R.103-704, which states that the Commission must find a transfer to be in the "public interest." The Consumer Advocate requests that the Commission clarify its Order such that the standard for approval of the proposed transfer as set forth in the above-cited regulation.

By holding as we did in Order No. 96-754, we never meant to discount the applicability of any applicable regulations. We agree that R.103-704 and the standards contained therein are applicable to the present case, and do so hold.


This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Deputy Executive Director

(SEAL)